



## UNITED SOUTH AND EASTERN TRIBES, INC.

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USET Resolution No. 2004:006

### FLOODING OF MICCOSUKEE TRIBAL LANDS

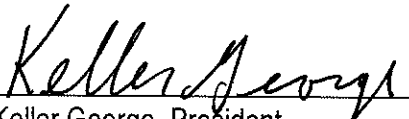
- WHEREAS,** United South and Eastern Tribes, Incorporated (USET) is an intertribal organization comprised of twenty-four (24) federally recognized tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member tribe, as the Board of Directors comprises delegates from the member tribes' leadership; and
- WHEREAS,** the Miccosukee Tribe of Indians of Florida has Tribal Lands located in Water Conservation Area 3-A of the South Florida Water Management District which includes both state leased lands and federal reservation lands; and
- WHEREAS,** these lands lie in an area whereby the water levels are controlled by the South Florida Water Management District (SFWMD) and the U.S. Army Corps of Engineers (USACOE) as part of the Central and Southern Florida Flood Control District; and
- WHEREAS,** the SFWMD and USACOE have pumped water into Water Conservation Area 3-A due to unusual rainfall caused by tropical weather at such levels that the tree island hammocks are flooded, the entire area is closed to all public access including the Federal Reservation, and the hunting season for white-tailed deer is closed; and
- WHEREAS,** those flooded lands are causing irreparable harm to the tree island hammocks and the Miccosukee way of life; and
- WHEREAS,** both SFWMD and USACOE are going to close the S-12 gate structures on November 1 because of the biological opinion issued by the U.S. Fish and Wildlife Service on the Cape Sable Seaside Sparrow located in Everglades National Park and Big Cypress National Park; and
- WHEREAS,** this single species management is causing irreparable harm to other endangered and threatened species due to the high water levels, destroying the tree island hammocks, and may result in cultural genocide for the Miccosukee Tribe due to the Tribal Members inability to carry on the traditions and culture of the Miccosukee Tribe; and
- WHEREAS,** this is the fourth time since 1994 that this type of flooding has occurred causing the Miccosukee Tribe to feed the white-tailed deer on the levees in an attempt to prevent their total disappearance from the Everglades when the flooding in 1994-1995 destroyed 85% or more of the white-tailed deer herd; therefore, be it
- RESOLVED** that the USET Board of Directors calls for the South Florida Water Management District and the U.S Army Corps of Engineers to keep open the S-12 gate structures until the water levels drop to a level that is not destructive to flora, fauna, and the Miccosukee culture and traditions; and, be it further
- RESOLVED** that the USET Board of Directors calls for the South Florida Water Management District and the U.S. Army Corps of Engineers to cease this harmful single species management for the Cape Sable Seaside Sparrow at the expense of other threatened and endangered wildlife and the Everglades Ecosystem in Water Conservation Area 3A.

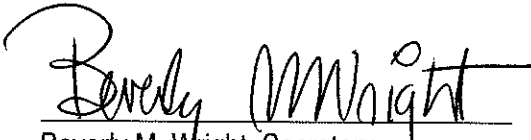
*“Because there is strength in Unity”*

USET Resolution 2004:006

**CERTIFICATION**

This resolution was duly passed at the USET Annual Meeting & EXPO, at which a quorum was present, in Mashantucket, CT, on Thursday, October 23, 2003.

  
Keller George, President  
United South and Eastern Tribes, Inc.

  
Beverly M. Wright, Secretary  
United South and Eastern Tribes, Inc.



## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574  
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

cc  
Miccosukee

November 20, 2003

Mr. James T. Martin  
Executive Director  
United South and Eastern Tribes, Inc.  
711 Stewarts Ferry Pike  
Suite 100  
Nashville, TN 37214

Dear Mr. Martin:

I received your letter of November 3, 2003 along with USET Resolution 2004:006 entitled Flooding of Miccosukee Tribal Lands for my consideration.

I accept United South and Eastern Tribes' submittal of this resolution.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry Dean".

Henry Dean  
Executive Director

HD:dju

NOV 20 2003

### GOVERNING BOARD

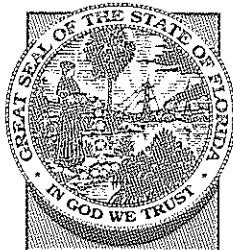
Nicolás J. Gutiérrez, Jr., Esq., *Chair*  
Pamela Brooks-Thomas, *Vice-Chair*  
Irela M. Bagué

Michael Collins  
Hugh M. English  
Lennart E. Lindahl, P.E.

Kevin McCarty  
Harkley R. Thornton  
Trudi K. Williams, P.E.

### EXECUTIVE OFFICE

Henry Dean, *Executive Director*

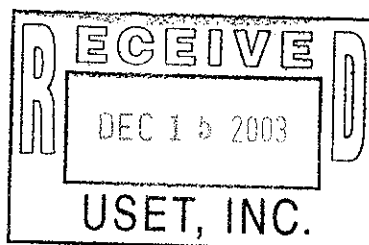


Florida Department of Agriculture and Consumer Services  
CHARLES H. BRONSON, Commissioner  
The Capitol • Tallahassee, FL 32399-0800  
December 10, 2003

*cc  
Miccosukee*

Please Respond to:

Mr. James Martin  
Executive Director  
United South and Eastern Tribes, Inc.  
711 Stewarts Ferry Pike, Suite 100  
Nashville, TN 37214



Dear Mr. Martin:

Thank you for your letter and the United South and Eastern Tribes, Inc. Resolution regarding the Miccosukee Tribe's property located within Southern Golden Gate Estates in Collier County, Florida.

The Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund authorized the use of eminent domain for the State of Florida's Comprehensive Everglades Restoration Plan. This decision was made as a last resort to implement the Restoration Plan and affects other landowners within the project area.

Southern Golden Gate Estates has been part of the "Save Our Everglades" land acquisition project since 1984. The Picayune Strand State Forest is within Southern Golden Gate Estates and is managed by Florida's Division of Forestry. If this property is acquired by the State, the Division of Forestry will coordinate with the Division of Historical Recourses to protect national cultural and historic resources on the property.

The purpose of the Comprehensive Everglades Restoration Plan is to restore the artificially altered flow of water to the rich estuaries of the Gulf Coast. Additional benefits will be the conservation of large landscapes for a host of rare and endangered plants and animals while allowing the public to recreate and enjoy these state owned lands.

We understand the issues associated with the United South and Eastern Tribes, Inc. Resolution, however our office is not able to carry out its intent. Should there be any need for clarification, please let us know.

Sincerely,

CHARLES H. BRONSON  
COMMISSIONER OF AGRICULTURE

CHB/jw





DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
P.O. Box 4970  
JACKSONVILLE, FLORIDA 32232-0019

FILE

REPLY TO  
ATTENTION OF

Engineering Division

DEC 11 2003

Mr. James T. Martin  
Executive Director  
United South and Eastern Tribes, Inc.  
711 Stewarts Ferry Pike, Suite 100  
Nashville, Tennessee 37214

Dear Mr. Martin:

This is in response to your letter dated November 3, 2003, containing the United South and Eastern Tribes (USET) resolution regarding "Flooding of Miccosukee Tribal Lands."

Water Conservation Area 3A (WCA-3A) is an important component of the Central and Southern Florida (C&SF) Project, which is a multi-purpose water resource project. Management of water levels in WCA-3A requires a balance as WCA-3A acts as a receiving body for floodwaters and a holding area for water supply, while maintaining the vegetation important for protection of fish and wildlife resources.

While the C&SF Project has served its authorized purposes well, it has also had unintended adverse consequences on the unique Everglades and Florida Bay ecosystems. The problem of "too much water" will not be resolved until a significant part of the Comprehensive Everglades Restoration Plan (CERP) components come on-line, allowing water managers to store water in reservoirs.

The U.S. Fish and Wildlife Service (FWS) has legal responsibility to enforce the Endangered Species Act (ESA). The FWS also reviews proposed actions to determine whether they would result in jeopardy to the continued existence of any endangered species; and if so, how to mitigate or avoid that jeopardy situation. In 1999, the FWS issued a Final Biological Opinion (FBO) under the ESA related to operation of components of the C&SF Project, such as discharges from WCA-3A via the S-12

structures. The FBO included recommendations for actions required to assure the survival of the Endangered Cape Sable Seaside Sparrow due to impacts to the sparrow and its critical habitat.

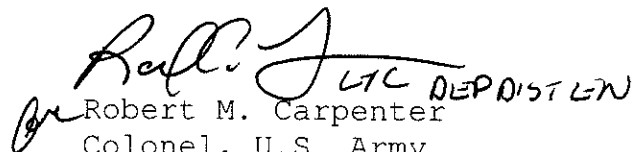
An Interim Operational Plan (IOP) was developed to meet legal requirements of the ESA in regard to the effects of water management operations on the sparrow while balancing the other federally mandated purposes of flood control and water supply. Many other alternative plans were examined and rejected as unsatisfactory, impractical, or inferior to the IOP in protecting the sparrow. The U.S. Army Corps of Engineers (Corps) considered all the factors relevant to operations of the current system that included the following: the sparrow and its habitat, flood control from the WCAs to the coastal zone, other endangered/threatened species, water quality, agricultural interests, tree islands, Tribal interests, residential interests as well as fish and wildlife resources. IOP was developed to address these needs within the existing limitations of the current water management system while the necessary structural modifications associated with the C-111 and Modified Water Deliveries (MWD) Projects are underway. Progress is being made toward construction of the MWD and C-111 Projects. These projects will further reduce the operating constraints in the system and allow for better integration of the multiple purposes. I have made the completion of the MWD Project one of the Jacksonville District's highest priorities. The expedited schedule for MWD will allow water to be released from WCA-3A to areas that do not serve as nesting habitat for the sparrow.

A parallel process is the Combined Structural and Operational Plan (CSOP), which will utilize a multi-stakeholder process in development of the final operational plan for these two project modifications to achieve the long-range system benefits such as improved water levels in WCA-3A. It is my understanding that the Miccosukee Tribe of Indians of Florida (Tribe) will be invited to participate on a CSOP Advisory Team recently established by the South Florida Ecosystem Restoration Task Force. We also encourage the Tribe's participation on the CSOP Project Delivery Team throughout the CSOP planning phase of the project.

I too am concerned about the health of WCA-3A and the importance of this resource to the Tribe. With the knowledge that S-12A would have to be closed to meet the ESA requirements, I asked my staff to make operational adjustments prior to the closure of S-12A on November 1, 2003. The result was a reduction of inflow into WCA-3A from WCA-2A and an increase in discharge out of WCA-3A via the S-151 and S-31 structures. In addition, discharge from WCA-3A via S-333 and S-334 to the South Dade Conveyance System have allowed minimal net decrease in outflow from WCA-3A and in fact water levels during the month of November have continued to decline. These actions were taken in accordance with the provisions of IOP to adjust operations to reduce durations and depth of water in WCA-3A as much as possible, without increasing adverse effects to the sparrow.

My staff will continue to consult with the Tribe to ensure effective management of our water resources projects in a way that balances the needs of all the stakeholders. If you have any additional questions or need additional information, please feel free to contact me or Mr. John Zediak, Chief, Water Management and Meteorology Section, at 904-232-2914.

Sincerely,

  
Robert M. Carpenter  
Colonel, U.S. Army  
District Engineer

Copies Furnished:

Mr. Billy Cypress, Chairman, Miccosukee Tribe of Indians, Post Office Box 440021 Tamiami Station, Miami, Florida 33144  
Mr. Dexter Lehtinen, Miccosukee Tribe of Indians, Post Office Box 440021, Tamiami Station, Miami, Florida 33144  
Ms. Stacey Myers, South Florida Water Management District, Post Office Box 24680, West Palm Beach, Florida 33416